

REMARKS

This Amendment is submitted in response to the Advisory Action mailed on September 1, 2004.

ELECTION/RESTRICTIONS AND CONTINUITY INFORMATION

Applicants respectfully acknowledge the Examiner's characterization, in the Office Action mailed March 12, 2004, of the instant application as a continuation of the priority application, U.S. Patent Application Serial No. 09/296,070, now U.S. Patent No. 6,358,417.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112 / INTERVIEW SUMMARY

The Advisory Action states that Applicants' Amendment after Final of August 12, 2004, is not entered because the proposed amendments broaden the claims and would require further search/consideration. The Advisory Action also states that if entered, the amendments would result in antecedent issues in the claims.

On September 9, 2004, Patent Examiner Terry K. Cecil and Applicants' representative Mai-Tram D. Lauer conducted a telephonic interview to discuss all the pending claims. No exhibits were shown or demonstrated. Ms. Lauer stated that the amendments were not intended to broaden the claims, but merely to overcome the rejections under 35 U.S.C. § 112. Ms. Lauer proposed to amend the preamble of the claims to mirror the language and scope of the claims of the parent case, now U.S. Patent No. 6,358,417. The preamble of independent claim 1 of the parent case recites "A composite filament mass for use in constructing a depth filter element, the composite filament mass comprising." According, the preambles of independent claims 1 and 11 of the instant case are hereby amended to recite "A composite filament mass for use in constructing a non-woven filter, the composite filament mass comprising." Ms. Lauer also proposed to correct the antecedent issues in the claims. Examiner Cecil stated that he would probably be agreeable to such amendments and invited Applicants to submit the proposed amendments for his consideration. Applicants respectfully

submit that the elements of the claims are not broadened so as to require further search and / or consideration.

SPECIFICATION

The application title has been amended to reflect the amendments in the claim language. Moreover, the first sentence of the specification under the heading "CROSS REFERENCE TO RELATED APPLICATIONS" is hereby corrected in accordance with the Examiner's suggestion in the Office Action of March 12, 2004.

DOUBLE PATENTING

The Office Action of March 12, 2004, rejected claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Clack, U.S. Patent No. 5,366,576 in view of claims 1-5 of U.S. Patent No. 6,358,417 to Aune et al. To overcome these rejections, Applicants timely filed, on August 12, 2004, a terminal disclaimer in compliance with 37 C.F.R. § 1.321 with respect to the '417 patent. Applicants respectfully note that the Advisory Action of September 1, 2004, indicates that the terminal disclaimer is approved and thereby obviates the double patenting rejection.

CONCLUSION

Applicants have attempted in earnest to address each issue raised in the Advisory Action. In view of the foregoing, Applicants respectfully submit that all pending claims 1-16 are allowable. Applicants respectfully request notice of the allowability of claims 1-16.

The Examiner is invited to telephone the undersigned at (612) 337-9365 to discuss any further amendments which are required to put this application in condition for allowance.

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Application No.: 10/056,715

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The Commissioner is authorized to charge payment of any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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